
DAVID B. VILLANO III, as borrower and all other
individuals similarly situated, DAVID B.
VILLANO, JR., as guarantor and all other
individuals similarly situated,

Plaintiffs,

v.

TD BANK, formerly, COMMERCE BANK, NA,
DANAHER CORPORATION, and NMTC, INC.,
d/b/a MATCO TOOLS, Fictitious banking entities
XYZ COMPANIES 1-20, and JOHN DOES,
fictitious persons, 1-100,

Defendants.

:
:
: **UNITED STATES DISTRICT COURT**
: **FOR THE DISTRICT OF NEW**
: **JERSEY**
:

: Docket No. 3:11-cv-06714-PGS-DEA

:
: **CIVIL ACTION**
:

: **STIPULATION OF DISMISSAL WITH**
: **PREJUDICE OF DEFENDANT TD**
: **BANK, N.A., SUCCESSOR TO**
: **COMMERCE BANK, N.A.**
:
:
:
:

Pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure, Plaintiffs David

B. Villano III and David B. Villano, Jr. hereby dismiss all claims, with prejudice, in the above-
referenced action as to Defendant TD Bank, N.A., successor to Commerce Bank, N.A., each
party to bear its own costs and fees. All rights of appeal are hereby waived.

/s/ Gerald A Marks

Gerald A. Marks
MARKS & KLEIN LLP
63 Riverside Avenue
Red Bank, NJ 07701
(732) 747-7100

*Counsel for Plaintiffs David B. Villano III
and David B. Villano, Jr.*

/s/ Michael J. Lyon

Alexander D. Bono
Admitted Pro Hac Vice
Michael S. Zullo
Ryan E. Borneman
Michael J. Lyon
DUANE MORRIS LLP
30 South 17th Street
Philadelphia, PA 19103
(215) 979-1000

*Counsel for Defendant TD Bank, N.A.,
successor to Commerce Bank, N.A.*

Date: January 2, 2013

DAVID B. VILLANO III, as borrower and all other
individuals similarly situated, DAVID B.
VILLANO, JR., as guarantor and all other
individuals similarly situated,

Plaintiffs,

v.

TD BANK, formerly, COMMERCE BANK, NA,
DANAHER CORPORATION, and NMTC, INC.,
d/b/a MATCO TOOLS, Fictitious banking entities
XYZ COMPANIES 1-20, and JOHN DOES,
fictitious persons, 1-100,

Defendants.

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW
JERSEY**

Docket No. 3:11-cv-06714-PGS-DEA

CIVIL ACTION

CERTIFICATE OF SERVICE

I hereby certify that the forgoing Stipulation of Dismissal with Prejudice of Defendant TD Bank, N.A., successor to Commerce Bank, N.A., was filed via this Court's ECF system on this 2nd day of January, 2013, with a copy being served via e-mail to the following counsel of record:

Gerald A. Marks, Esq.
Marks & Klein, LLP
63 Riverside Avenue
Red Bank, NJ 07701

Counsel for Plaintiffs

Edward B. Sponzilli, Esq.
Norris, McLaughlin & Marcus, P.A.
721 Route 202-206 North
PO Box 5933
Bridgewater, NJ 08807-5933

Counsel for Defendants Danaher Corporation and NMTC, Inc., d/b/a Matco Tools

/s/ Michael J. Lyon
Michael J. Lyon
Counsel for Defendant TD Bank, N.A.